IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:09ev536

)
)
) JUDGMENT
)
)
)

THIS MATTER having come before the court on the plaintiff's Motion for Summary Judgment (#12), the Commissioner's Motion for Summary Judgment (#14), and the Memorandum and Recommendation of Honorable David S. Cayer, United States Magistrate Judge (#17), and the court having considered plaintiff's Objection (#18) and the Commissioner's Reply (#19), as more thoroughly discussed in the Memorandum of Decision and Order filed simultaneously herewith,

IT IS, THEREFORE, ORDERED, ADJUDGE AND DECREED that the Commissioner's Motion for Summary Judgment (#14) is GRANTED, plaintiff's Motion for Summary Judgment (#12) is DENIED, the Commissioner's decision is AFFIRMED, and plaintiff's claim is hereby DISMISSED.

Signed: March 31, 2011

Max O. Cogburn Jr.
United States District Judge